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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,383	02/24/2004	Ernest J. Storrer	INJS-1-1003	6508

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EXAMINER

LU, JIPING

ART UNIT	PAPER NUMBER
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3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/785,383

Applicant(s)

STORRER ET AL.

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/6/07 has been entered.

Election/Restrictions

2. This application contains claims 20-21 drawn to an invention nonelected. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Prosecution History

3. The amendment filed with the RCE on 3/6/07 is identical to the amendment after final under 37 CFR 1.116 filed on 12/11/06. In response to the 116 Amendment of 12/11/06, the advisory action mailed on 12/28/06 stated that the 116 Amendment will be entered for appeal purposes and 112 rejection applied to claim 19 and 102(b) rejections applied to claims 18, 19 and 22-23 were overcome by the 116 Amendment. Since the remaining claims 1-17 and 20-21 remain unchanged and the rejections as applied to claims 1-17 also remain unchanged, then, this office action is made **Final**.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U. S. Pat. 5,870,797).

Anderson shows a surface drying system comprising: a vacuum mat 11 having a surface with at least one vacuum port (at 12) and a plurality of channels 10; and a vacuum source 33 connected with the port, wherein the vacuum source creates an enclosure of negative pressure within the perimeter of the mat and urges water to flow through the channels towards the vacuum source to effect moisture removal. For claims 7-8, see Fig. 1C. For claim 9, manifold 13 having at least one nozzle, the first end of the nozzle in fluid communication with the vacuum source 33 and the second end of the nozzle in fluid communication with the mat 11.

6. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wenander (U. S. Pat. 4,203,714).

Wenander shows a surface drying system comprising: a vacuum mat 2, 5-7 having a surface with at least one vacuum port 11 and a plurality of channels (between 9); and a vacuum source (col. 2, lines 35-36) connected with the port, wherein the vacuum source creates an enclosure of negative pressure within the perimeter of the mat and urges water to flow through the channels towards the vacuum source to effect moisture removal. For claims 7-8, see Fig. 1. For claim 9, manifold 3 having at least one nozzle 4, the first end of the nozzle in fluid communication with the vacuum source and the second end of the nozzle in fluid communication with the mat.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 11-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wenander (U. S. Pat. 4,203,714).

Wenander shows a system for removing moisture, the system comprising: a means (inherent by hand or other device) for placing at least one water impermeable vacuum mat 2, 5-6 having a manifold 3 over a surface 1, the mat configured to have a lattice formation, the lattice formation providing spaces; a means (not shown, inherent) for connecting the manifold with a vacuum source; and a means (col. 2, lines 35-36) for applying a vacuum, wherein negative pressure causes water to flow through the spaces within the lattice formation to the vacuum source to effect moisture removal underneath and from the surface. Wenander discloses the claimed invention except for the manifold integrally formed with vacuum mat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the manifold integrally with the vacuum mat, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. In re Larson, 144 USPQ 347,349 (CCPA 1965). With regard to the claimed multiple vacuum mats in claim 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the vacuum system with multiple vacuum mats, since it has been held that mere duplication of the essential working parts of a device involve only routine skill in the art. In re Harza, 274 F. 2d 669, 124 USPQ 378 (CCPA 1960). With regard to a second vacuum mat placed on a second plane as claimed in claim 16, it would have been an

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obvious matter of design choice to place any number of vacuum mat on any desired plane in order to obtain the optimum result since applicant has not disclosed that the claimed step of placing second vacuum mat on second plane solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill in the art.

9. Claims 1-5, 10, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (U. S. Pat. 5,870,797) or Wenander (U. S. Pat. 4,203,714).

The moisture removing apparatus of Anderson or Wenander as above includes all that is recited in claim 1-5, 10 and 17 except for using a vacuum chamber for removing the water from a surface. However, it would have been obvious to one skill in the art at the time the invention was made to substitute a vacuum chamber for the vacuum mat of Anderson or Wenander for removing the water from a surface since applicants admitted that embodiment of the claimed design in claims 1-5, 10 and 17 is obvious variation of the embodiment as claimed in claims 6-9, 11-16 to one ordinary skill in the art therefore the claims 1-5, 10, 17 and claims 6-9, 11-16 are not separate and distinct (see last line of page one of the election filed on 8/15/05).

Response to Arguments

10. Applicant's arguments filed 12/11/06 and 3/6/07 have been fully considered but they are not persuasive to overcome the rejection. First, claims presented failed to structurally define over the prior art references. Second, on page 6 of Remarks of filed 3/6/07, the applicant traversed the rejection of claims 6-9 because the applicant does not agree how the language in claim 6, "a vacuum mat having a surface with a least one vacuum port and a plurality of channels" could be reasonably interpreted to mean anything other than the port and the channels.

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The applicant also argued that the port and the channels are part of a mat. The examiner urges the applicant to diagram the broad claims 6-11. In this case, Anderson clearly shows a surface drying system comprising: a vacuum mat 11 having a surface (below 10) with at least one vacuum port (at 12) and a plurality of channels 10; and a vacuum source 33 connected with the port, wherein the vacuum source creates an enclosure of negative pressure within the perimeter of the mat and urges water to flow through the channels towards the vacuum source to effect moisture removal. The broad claims are clearly anticipated by Anderson patent. Again, the examiner invites the applicant to point out any structural limitations in broad claims that the references do not teach or show. Third, on page 7 of the Remarks, the applicant argued that Wenander patent does not anticipate claims 6-9 and 11-15 because the applicant disagrees with the examiner's interpretation of Wenander patent. In particular, the applicant argues that the cover 2, the distance net 5, a lower cloth or sheet 6 and small holes 7 could not be reasonably lumped together and characterized as "a vacuum mat". Again, the applicant is urged to diagram his broad claims in order to better appreciate the examiner's interpretation of the prior art references. Broad claims presented simply failed to structurally define over the prior art references. Nowhere in the broad claims 6-15 did the applicant structurally define his water removal mat that is structurally different from the prior art references. At this point, the examiner does not believe the broad claims presented are structurally define over the prior art references. Therefore, claims are anticipated by the prior art references. Fourth, on pages 8-9 of the Remarks, the applicant argued that the prior art references failed to show or teach "placing at least one vacuum mat having at least one integrally formed manifold over a surface, the mat configured to have a lattice channels, the lattice formation providing spaces". In this case,

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Wenander discloses the claimed invention except for the manifold integrally formed with vacuum mat. It would have been obvious to one skilled in the art to form the manifold integrally with the vacuum mat, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. In re Larson, 144 USPQ 347,349 (CCPA 1965). Again, broad claims failed to structurally define over the prior art references as stated in the rejection above. Fifth, on pages 9-10 of the Remarks, the applicant argued that the prior art reference, Anderson patent, failed to show or teach "a vacuum mat having a surface with a least one vacuum port and a plurality of channels". Examiner disagreed. Anderson patent does show a surface drying system comprising: a vacuum mat 11 having a surface with at least one vacuum port (at 12) and a plurality of channels 10; and a vacuum source 33 connected with the port, wherein the vacuum source creates an enclosure of negative pressure within the perimeter of the mat and urges water to flow through the channels towards the vacuum source to effect moisture removal. There is no structural difference between the claimed drying system and the drying system of Anderson.

Conclusion

11. This is a RCE of applicant's earlier Application No. 10/785,383. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

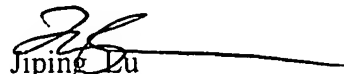
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571 272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.